

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re:

Chapter 11

85 FLATBUSH RHO MEZZ LLC,

Case No. 20-23280 (RDD)
(Jointly Administered)

Debtors.

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**DECLARATION OF DARYL HAGLER IN SUPPORT OF DEBTORS'
OBJECTION TO CONFIRMATION OF SECOND AMENDED
CHAPTER 11 PLAN FILED BY CREDITOR TH HOLDCO LLC**

I, Daryl Hagler, hereby declare under penalty of perjury pursuant to 28
U.S.C. §1746 and state as follows:

1. I, or my designee, will be the Debtors' plan funder so that the Debtors' proposed plan of reorganization may be confirmed.
2. I submit this declaration in support of Debtors' Objection to Confirmation and Second Amended Plan filed by Creditor TH Holdco LLC.
3. As the Debtors' plan funder, I have agreed to provide no less than \$96,775,000 to pay all of the Debtors' claims under their proposed plan. A copy of my June 16, 2022 letter detailing my proposed funding is attached hereto as **Exhibit A**.
4. Prior to the confirmation hearing, I, or my designee, will escrow a deposit in the amount of \$2,500,000 to be held by Debtors' counsel or Riverside Abstract, which will serve as liquidated damages and will be nonrefundable if the Debtors' plan is confirmed and I default in my funding obligations as set forth

herein. The \$2,500,000 will be refundable in the event that the Debtors' plan is not confirmed.

5. I am also the owner of Centers Plan For Healthy Living LLC, which has sufficient funds needed to fund my equity investment in the Debtors. A copy of an Accounting Statement for the period May 1, 2022 to May 31, 2022 from Wilmington Trust indicating that I own Centers Plan for Healthy Living LLC, and that it has sufficient liquidity to fund the Debtors' proposed plan, is attached hereto as **Exhibit B**.

I declare under penalty of perjury of the laws of the United States, pursuant to 28 U.S.C. §1746, that the foregoing is true and correct.

Dated: New York, New York
June 22, 2022



DARYL HAGLER